

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

SHARON BOBBITT, Individually on Behalf of All Others Similarly Situated,  Plaintiff,  v.  ANDREW J. FILIPOWSKI and MICHAEL P. CULLINANE,  Defendants.	Civ. No. 1:04 CV 12263 (PBS)
---	------------------------------

**JOINT MOTION TO MODIFY BRIEFING SCHEDULE  
AND FOR LEAVE TO FILE BRIEF IN EXCESS OF 20 PAGES**

Now come the parties to the above-entitled action and hereby request a modification of the schedule set at the January 19, 2005 status conference and modified by the Court's order of March 2, 2005. Specifically, the parties request the following: (i) an extension of nine days for Defendants to move to dismiss the Second Consolidated Complaint filed March 8, 2005; (ii) a period of approximately 28 days for Plaintiff to respond to any motion(s) to dismiss; and (iii) an opportunity for Defendants to file a reply brief in support of their motion(s) to dismiss. The parties also request leave to file briefs in excess of 20 pages to the extent Defendants file a joint motion to dismiss. The parties further state as follows:

1. The current schedule calls for motions to dismiss to be filed by March 29, 2005; for any opposition to the motions to be filed by April 12, 2005; and for a May 24, 2005 hearing on any motions to dismiss. The proposed new schedule would be as follows:

- a) Motion(s) to Dismiss to be filed by April 7, 2005;
- b) Opposition(s) to Motion(s) to Dismiss to be filed by May 9, 2005; and
- c) Reply in Support of any Motion to Dismiss to be filed by May 17, 2005.

The proposed modification will not affect the May 24, 2005 hearing date set by the Court for motions to dismiss.

2. Defendants may endeavor to file a joint motion to dismiss and supporting memorandum. To the extent Defendants make such a joint filing, the parties request that the Court grant them leave to file briefs in excess of 20 pages, as follows: memorandum in support of motion to dismiss, 35 pages; opposition to motion, 35 pages; reply in support of motion, 20 pages.

WHEREFORE, the parties respectfully request that the Court enter an order approving the foregoing briefing schedule, and granting leave to file briefs in excess of 20 pages, as set forth above.

Dated: March 23, 2005

Respectfully submitted,

/s/ Thomas D. Brooks

Daniel J. Lyne  
Halye A. Sugarman  
HANIFY & KING  
One Beacon Street  
Boston, MA 02108  
Tel.: (617) 423-0400

Thomas D. Brooks  
SPERLING & SLATER  
55 W. Monroe Street, Suite 3200  
Chicago, IL 60603  
Tel.: (312) 641-3200

*Counsel for Defendant Andrew J. Filipowski*

/s/ Joseph E. Collins

Bruce S. Barnett  
DLA PIPER RUDNICK GRAY CARY US  
LLP  
One International Place, 21<sup>st</sup> Floor  
Boston, MA 02110  
Tel.: (617) 406-6000

Joseph E. Collins  
DLA PIPER RUDNICK GRAY CARY US  
LLP  
203 North La Salle Street, Suite 1800  
Chicago, IL 60601  
Tel.: (312) 368-4000

*Counsel for Defendant Michael P. Cullinane*

/s/ Howard T.

Longman  
David Pastor (BBO # 391000)  
GILMAN AND PASTOR, LLP  
Stonehill Corporate Center  
999 Broadway, Suite 500  
Saugus, MA 01906  
Tel.: (781) 231-7850

Samuel H. Rudman  
David A. Rosenfeld  
LERACH COUGHLIN SOTIA GELLER  
RUDMAN & ROBBINS, LLP  
200 Broadhollow Road, Suite 406  
Melville, NY 11747  
Tel.: (631) 367-7100

Howard T. Longman  
STULL STULL & BRODY  
6 East 45<sup>th</sup> Street  
New York, NY 10017  
Tel.: (212) 687-7230

*Counsel for Plaintiffs*